

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Roda Aden, on behalf of H.A.,
a minor,

Civ. No. 12-1782 (PAM/AJB)

Plaintiff,

v.

ORDER

Carolyn W. Colvin, Acting
Commissioner of Social Security,

Defendant.

This matter is before the Court on Plaintiff's Motion for Attorney's Fees under the Equal Access to Justice Act. The Government has no objection to the Motion.

Plaintiff requests that the fee award be paid directly to her attorney and has submitted an affidavit stating that she has assigned her right to the fees to her attorney. (Docket No. 34.) But the decision Plaintiff cites as authority for her request that the fees be paid to her attorney, Ratliff v. Astrue, 540 F.3d 800 (8th Cir. 2008), was subsequently reversed by the United States Supreme Court. Astrue v. Ratliff, 560 U.S. 586, 593 (2010). As the Supreme Court determined, the EAJA requires the fee be paid to the "prevailing party," which "is a term of art that refers to the prevailing litigant." Id. Thus, the Supreme Court made clear that fees awarded under the EAJA must be paid directly to the prevailing litigant and not to the litigant's attorney. Id. ("The fact that the statute awards to the prevailing party fees in which her attorney may have a beneficial interest or a contractual right does not establish that the statute 'awards' the fees directly to the attorney.").

The Court may not order the fees to be paid directly to Plaintiff's attorney. Plaintiff has, however, established that she is entitled to the fees she requests.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for Attorney Fees (Docket No. 25) is **GRANTED in part** and **DENIED in part**;
2. Plaintiff is awarded \$5,207.75 in attorney's fees; and
3. Defendant shall pay the fee award directly to Plaintiff.

Dated: September 29, 2014

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge